App F. IX-4

Previous References

1933 (Miscl)

File No. 233 33

Serial Nos. 1 4.

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for May 34.

SUBJECT.

Appeal re the lease lands endowed to Sri Channabasaveswara Swami temple at Vadlizenahalli Devanahalli taluk

Mr M.V. Subba Rao. M.A. & LLB. Advocate, Bangalore City

Memo. 1553 & 28 dt. 34

Informs that no concession is called for.

cancelling the lease of lands endowed to Sri Channabasaveshwara Swami temple at Vadigenahalli - Devanahalli.

General and Revenue Secretariat

[App. F. III—2

File No. 283 of 1932-33

Serial No.	
1	Petition dt. 4.11.33 filed by Sri K.V. Subba Rao on behalf of his client Basappa s/o Karibasanna of Vadigenahalli, praying for a modification of the order passed by the Mysore Commissioner in Misc. Appl 60 of 28-29 on the file of this Court in regard to the lease of lands belonging to Sri Channabasaveshwara Swami temple at Vadigenahalli and requesting that the lands be leased for Rs 125/- p.a. from 1931-32.
2.	The decision of the H.C. in the case against is dated 13.1.30. & the appeal now preferred is barred by time. As seen from the order of the P.C.O. the petitioner has agreed to the lease for 20 yrs at Rs 250/- p.a. - March 1931 being the 20th year of the lease, it is not clear how the petitioner is entitled as prayed for by him in the petition - Orders for records —
	4/5 Dw 1- 16/11
	The delay in preferring the petition is explained — As such the delay may be condoned & the petition admitted. As regards the request contained in the petition a perusal of the records may be called for from the Mysore.
	22/11/33
	23-11-33

NOTE—Contn. Sheet.

WD 70—GBRM—60,000—13-8 31

Muz Appl no 14 of 1933-34
... & lease amounts due
to ... Channabasappa Devanahalli Ge

File No. of 193

Memo of formal Order on the Petn for Admission here -

24 11 33

25/11

Sent to Muz Comr with no 745 of 27-11-33. 1 pcs 27/11

Letter no 731/33 su dy 22-2-1934 from the Muzrai Commissioner forwarding 3 records re Caling to the appeal petition of Basappa of Vadigenahalli Devanahalli Taluk.

The facts of the Case are fully ... (rd from ... decision of 13/1/30 in Muz Appl no 60/28-29 on the file of this Court. x P (the typed copy)

Also the lease deed executed by the petitioner along with Munimadamma widow of deceased Kallamma & the responsibility of paying ... The lease amount is a joint one; there are no good reasons for considering the petitioners prayer for modifying the Dy-C's decision of 13-1-30 & leasing out the lands which at Rs 12/- from 1931-32; The lease as prayed to by the petr runs for 20 years and records do not indicate ... Sufficient reasons to terminate the existing lease in favour of the Board of the P-H-D-T. x P

Submitted for orders.

80/3

V/G 3/4

... is objected in case of ... 27/3/34.

Serial No.

12 Kind refer to invited to the D.C's order
dt 13.1.30 (Flag P). It will be kindly seen
therefrom that the order was issued as the
Appellants were "agreable to pay Rs 250/-
Annually for the benefit of the temple for a
period of 20 years" and the D.C. Considered
this fair. The lease is thus one not forced on
the petrs but taken up on their free will.
In the lease deed executed in accordance
with this order by the petrs (Flag G) they have
bound themselves to pay the full yearly amount
of Rs 250/- every year together in the Month of
April each year failing which they say that
Govt may resume the lands to Govt and
recover the same in this connection
by proceeding against their personal property,
movable or immovable

14) The least amount having been in arrears
to the extent of Rs 375/. And the Amildar
having taken Coercive steps against the
petrs, he (the petrs) petitioned the D.C on 15.9.32
and the D.C. (the present H Member) after calls
for a report from
D.C. intimated the D.C. that if out of the total
arrears of Rs 375/. a sum of Rs 125/- is
immediately paid, the balance may be
recovered in two instalments along with the
current kist."

15) It is against this order that the

NOTE—Contn. Sheet.

Ukm 3 ATM No 14 of 1933-34

File No. 2 ಸಿಆರ್ 253 of 193 | General and Secret

present petition has been submt.
In para 5 of the petition it is stated that the agreement was that the Petr & Munimadamma shd each pay Rs 126/- p.a to govt. A refn to the lease deed (Exhy G) shows that this statement is incorrect as it is clearly stated therein "ಅವರಿಬ್ಬರಲ್ಲಿ ಯಾವನಾದರೂ ಒಬ್ಬನು ಮೃತನಾದಲ್ಲಿ ಬದುಕಿರುವವನು ಮೃತನಾದವನ ಪಾಲಿನ ಜಮೀನಿಗೆ ಸಂಪೂರ್ಣ ಹಕ್ಕುದಾರನಾಗಿರುವನು ಹಾಗೂ ಅವನು ಮಾತ್ರ ಸರ್ಕಾರಕ್ಕೆ ಕಂದಾಯವನ್ನು ಕಟ್ಟಬೇಕಾಗಿರುತ್ತದೆ". (Vide last two lines of the Mutchilika on the 1st page). It is thus clear that there is joint responsibility in this case & petr cannot go back on the agreement. None of the arguments of the petr hold good.

(6) The petr prays that the lease amount be reduced to Rs 126/- p.a. from 31-32 and if this request cannot be granted that he is willing to surrender the lands to govt.

The request of the petr to reduce the lease amount in view of the present fall in prices is for orders. Strictly in accordance with the terms of the lease deed no concession can be claimed. ~~[illegible]~~

20/4/34

(Jt Secy)

2nd appr I dont think any concession is called for - Please submit the case to the Dewan as I framed the order as in C

Jagan 14/5 15/5

Sd 14/5

DEWAN'S OFFICE 14 MAY 1934 No. 2.0.0

RECORD BRANCH SECTT 23 APR. 1934 No. 6.86.6.6

Mercy Appr. 2 v 14 (4) 1 (
9 46

General and Revenue Secretariat — File No. 253 of 1933. — [App. F. III—2

Serial No.

21 MAY 1934 GENL & R.

4 No 1553 dy 28/5/34 to the Advocate for the petitioner intimating that no concession is considered necessary —

No 1554 dy 28/5/34 to the Basappa Sanga Karibasanna of Vadigenahalli Devanaha Taluk forwarding Copy of the above for information.

No 1553 dy 28/5/34 to the Mysore Commissioner forwarding Copy of the above Endorsements —

NOTE.—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

File No. of 193 .

General and Secretariat

Serial No.

3 NOV 1933
No.
Misc 3-33
7/11/33
Petition Box
6.11.33
R PEE ೩೨೨-೨
GENL. & REV. DEPARTMENT
516
7 NOV 1933
MUZRAI.

Before THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE AT BANGALORE.

MIS. MUZRAI PETITION NO. 14 OF 33-34.

Petitioner:- Basappa, son of Maribasanna, Vadigenahalli, Devanahalli Taluk, Bangalore - District.

The Petitioner abovenamed most respectfully begs to state as follows:-

1. Sri Bhennabasaveswaraswamy Temple at Vadigenahalli was built by the ancestors of the Petitioner several decades past. The Government of His Highness the Maharaja of Mysore endowed some inam lands (2 dry and 1 wet) to the said temple. The Petitioner and his ancestors were managing - the affairs of the temple satisfactorily. Besides the income from the inam lands they were also - spending their own moneys in addition annually - for performance of puja and other functions in the temple in accordance with the customary practice.

2. On a petition of one of the servants of the temple that the Petitioner was not managing the - affairs of the temple properly and that he was appropriating the income from the inam lands for his own use, an enquiry was held and a report was submitted by the Amildar. Dharmadarsis were appointed and the inam lands were ordered to be leased out;

3. Thereupon the petitioner and his cou who is now dead appealed to this Honourable Court against the order of the Deputy Commissioner, Bangalore District, directing the lease of the inam lands. This Honourable Court in Muzrai appeal No. 60 of 28-29 was pleased to order that the Petitioners may pay Rs. 200/- per annum for the benefit of the temple and that their possession of the inam lands be not disturbed for a period of 20 years.

4. In accordance with the said order, a mutchalika was obtained from the petitioner and the said Malanna's widow, Munirudramma on the 12th April 1930. Contrary to the terms of the order referred to above, the Amildar of Devanahalli Taluk recovered from each of them Rs.125/- ie., one year's gutta in advance.

5. The said Munirudramma has been taking half the produce. The agreement was that the Petitioner and she should each pay Rs. 125/- annually to the Government. Accordingly she paid her share of Rs. 125/- in advance and as regards payment of lease amount due for the years 1930-31, and 1931-32, she made default. The Petitioner paid his share of the lease amount for the year 1930-31. The said Munirudramma has not paid her share for over three years.

6. The Amildar of Devanahalli Taluk then served the petitioner with a notice calling upon him to deposit the sum of Rs. 375/-. The notice was served on him on the 9th April 1932. A similar demand notice is not served on the said Munirudramma at all and no attempt was made to recover the moneys due from her.

The Petitioner filed an appeal before the Muzrai Commissioner submitting that lease amount fixed by the said Court was too high considering the economic and seasonal conditions. Owing to paucity of rainfall

there was no wet crop at all on the wet land and as regards dry lands the yield was very little. The price of ragi and paddy had gone down to an extent not heard of for the past 40 years. The amount was fixed according to the conditions then prevailing. He submitted that it was just and equitable that the lease amount should be reduced at least to Rs.. 125/- per annum. The Petitioner was quite unable to pay the lease amount - fixed 3 years ago.

8. The Petitioner further submits that the demand made by the Amildar that he should also pay the money due from the said Munirudramma was quite unjust and inequitable. In as much as she had taken half the produce whatever it may be, she was also bound to pay her share of the lease amount and her share should have been recovered from her direct by the Taluk Authorities.

9. On an application filed before the Inam Commissioner, Bangalore representing the above facts, he was pleased to order under R.C. 10 of 32-33 dated the - 19th December 1932 that the then arrears of Rs. 375/- may be recovered in two annual instalments.

10. While the Petitioner is grateful to the Government for the above relief shown to him, he respectfully submits that it is inadequate and does not relieve the difficulties of the petitioner. In the first place, the Petitioner has been very gravely prejudiced by the lease being fixed for the period of 20 years. The price of - commodities have fallen so low that the value of all the crops, grown on the land does not come to Rs. 100/- whereas the Petitioner is directed to pay Rs. 250/- as above. The 20 years lease against the provisions of law under - which properties are leased by the Government only for - periods of five years ( ) Under the -

the above circumstances the Petitioner submits it is utterly impossible for the Petitioner to pay the sum of Rs. 250/- fixed as gutta. The Petitioner is ready and willing to pay Rs. 125/- if the entire lands including the share of Munirudramma are delivered to him. Otherwise the Petitioner respectfully submit that it is impossible for him to continue as tenant of the lands and in such event he respectfully prays that the Government may take possession of the lands from him. He is prepared to surrender them.

11. The Petitioner finds that the final order of the Muzrai Commissioner is contained in a letter dated 19-12-1932 written by the Muzrai Commissioner to the Deputy Commissioner, Bangalore. No endorsement was given to the petitioner and he was not aware of any order being passed. He was awaiting endorsement of final orders, but in the meantime the Taluk Authorities threatened to take coercive proceedings against him, and it was only then that he learnt that Muzrai Commissioner had only allowed payment by instalments but had not granted the reliefs prayed for. The Petitioner thereupon obtained copy of the order and has filed this application. An affidavit in support of this application is filed herewith. The Petitioner prays that under the above circumstances, the delay in filing this application may kindly be condoned.

12. The Petitioner finally prays that this Hon'ble Court may be pleased to modify the order passed by the Muzrai Commissioner in Appeal No. 60 of 28-29 and direct that the lands in question be leased to the Petitioner for Rs. 125/- from 31-32.

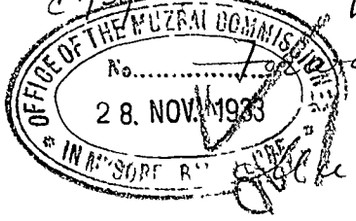
13. If the above relief cannot for any reason be granted to the Petitioner, he is willing to surrender

surrender the lands to the Government and the Government may be pleased to cancel~~x~~ the lease and take possession of the lands.

Bangalore,
4-11-1933.

K.V. Subbarao.
Advocate for petitioner.

Mr T.V.S
C 731/33-34



No. 745/Mines dt 27-11-33.
forwarded with Compliments to the
Mineral Commissioner for Submission
of a report together with the connected
records -

By order
B Muddukrishnappa
28/11/33
for Financial Secretary

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE. BANGALORE.

MUZRAI PETITION NO. of 33-34.

Petitioner:- Basappa son of Karibasanna, Vadigenahalli, Devanahalli Taluk, Bangalore - District.

I, Basappa son of Karibasanna aged about 55 years hereby solemnly affirm and state as follows:

1. I have this day filed an appeal before the Government against the order of the Muzrai Commissioner in Mysore, declining to make remission in - regard to the Gutta amount of Rs. 250/- ordered to be paid by me and one Munirudramma for the lease of inam lands attached to Sri Chennabasaveswaraswamy Temple - at Vadigenahalli.

2. I presented a formal petition before the Muzrai Commissioner. I understand that the Muzrai Commissioner called for a report on my petition from the Deputy Commissioner, Bangalore District and that on - the report orders were passed by the Muzrai Commissioner on 19-12-1932 wherein he only granted time for payment of the amount due but did not order any remission. Though my petition was presented by lawyer no date - was fixed for hearing the petition, and no endorsement of the order was served on me. I was not even aware that any order has been passed on the petition until - the Taluk authorities began to take coercive proceedings against me and press for payment of the entire

amount. This was about a
ly thereafter I applied for a copy
received the copy of a communication from the Mu
missioner to the Deputy Commissioner Bangalore, filed
along with the appeal memo, which I understand is the
final order passed on my application to the Muzrai Com-
missioner.

3. I am an ignorant old man and I was not aware that any orders had been passed on my application until recently. I was under the belief that a date of hearing would be given before the Muzrai Commissioner and that I would get an endorsement from the said office regarding the orders on my petition. I received neither of them. Therefore I was till recently under the bonofide belief that no orders have yet been passed on my petition and that it would come up for hearing on some day.

4. Under these circumstances, the delay in filing this appeal is due to a bonafide belief that no orders were yet been passed yet by the Muzrai Commissioner. - I pray that in the interests of justice the delay in filing this appeal may kindly be condoned, the appeal taken on file and disposed of on merits.

ನಿ: ಒಪ್ಪಿಕೊಳ್ಳಲಾಗಿದೆ

Sworn to before me this 25th day of October 33.

25-10-33

GHT ANNAS ೪೪-೨೯

No. P.C. 10/32-33.
Encl. 1 File.

Office of the Muzrai Commissioner
in Mysore
Dated, Bangalore 19-12-32.

From.
The Muzrai Commissioner in Mysore.
Bangalore

To
The Deputy Commissioner,
Bangalore District.

Sir,

With reference to your letter No. C3-348 of 32-33 dated 18-11-32 in regarding to the recovery of the lease amount due from Basappa, Lessee of the Inam lands endowed to the temple of Sri Channabasaveswara Swami at Vadigenahalli, I have the honour to state that out of the total arrears of Rs 375/-, a sum of Rs. 125/- is immediately paid, the balance may be recovered in two annual instalments along with the current Kist.

The Connected records received with your letter under reference are herewith returned.

I have the honour to be,
Sir,
Your most obedient Servant.
Sd/ T Ramaiya
For Muzrai Commissioner

Copy applied by - Basappa.
Copy applied on - 5.10.33.
Copy delivered on - 19.10.33
Copied by - G Somanath
Compared by - S Jayaramaiah
Copying fees - 0-12-0
Comparing fee - 0-0-6.

"Copy"
T Ramaiya
28/10/33
Muzrai Commissioner

Order of the Madras Commissioner in Mysore

Appeal no 60 of 28-29

Appellants:

1 Basappa Son of Karibasanna

2 Kallanna of Vadagenahalli, Devanahalli
Taluk. Bangalore District

Subject. - Appeal against the order of the Deputy
Bangalore District confirming the Sheristadar
Sub Division Amin's order directing the Vatan
Inam lands enfeoffed to Chennakesavaswamy -
Swamy Temple at Vadagenahalli

Facts of the case:-

On a petition of the Mauthasrishpa Servants
of the above temple alleging mismanagement of
the affairs by the appellants, who were accused of mis-
appropriating the income from the temple Inam
lands, the Amildar enquired into the matter and
reported after personal inspection of the temple
that there was reason to suspect mismanagement
of money had been committed in the

and in the premises as also the architecture
that it was desirable to secure the services of the Dharma
lands, for a decade and appoint Dharmadarsis. The
person now in the employment of the Dharma lands were
stated to meet only the following expenses. —

Archak — 2 candies of Ragi, 2 candies and 6 Khagas
of paddy and Rs. 16/- in cash

Mantrapooja Mandi — 2 candies of Ragi

Musicians — do. ——— do ———

The Subdivl Officer heard the Dharmakartas and computed
the income and Expenditure at Rs. 475 (including the income
from the oil mill) and Rs. 160/- respectively. Thus finding
that the income was not properly utilised, he ordered
to the Commissioner Board immediately, a decade
wise and proposals send up for appointment of
Dharmadarsis including the appellants who were
long associated with the Institution. The appeal to the
Dy Comr against the Sub Divisional Officer's order was
passed dismissed with the observation that the
Sub Divl Officer's order was passed after personally
hearing the Dharmakartas and satisfying himself
that the Institution was not well managed.

In the present appeal against the Dy Commissioner's order
the appellants urge that the estimate of income from
lands was high and that they were prepared to manage
the Institution a reasonable amount-

towards reserve. The appellant has leave to

appeal

order No 97 dtd 179 of 29-30 dated 23-12-29
13-1-30

The total area of the land is 17 acres and 4
Cuntas dry assessed at Rs 36/- with a yearly
assessment of Rs 3-6-0 and 2-3 wet assessed at Rs 22 with
a yearly assessment of Rs 3-7-0. The wet land is under the
Vadagenahalli anicut. There is no doubt
that the Wahivatdar is now utilizing the
water for the benefit of the temple. The
appellants are agreeable to pay Rs 35/-
for the benefit of the temple for a period of
This seems to be fair. So long as they continue
to pay this amount regularly they may be
allowed to remain in possession of the lands.
The rate will be liable to revision at the end of
20 years. The Dy Comr is requested to make
necessary arrangement to spend the amount
keeping a suitable reserve.

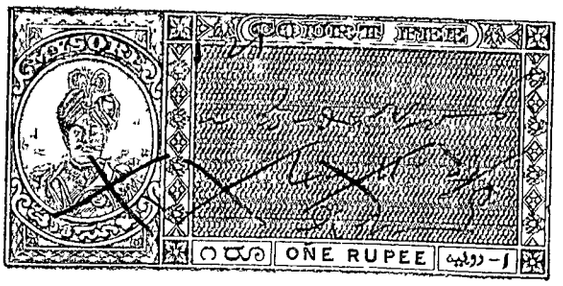
Sd/- for D'Souza

Copy applied for 20-1-30
Copy ready 20-1-30
Copy delivered 20-1-30
No of words 520
Copying/Comparing fees 0-15-0
-do-

Copy

Revenue Secretary
31/1/30

ONE RUPEE



In the Court of the Before the Court of H. H. the Maharaja of Mysore Bangalore

Mrs Murray CASE NO. OF 1933—1934

Appellant Plaintiff. Petitioner - Respondent

Respondent Defendant.

Vs.

1. The Petitioner, abovenamed do, by these presents, retain Messrs. B. SHANKARA RAO, B.A., LL.B., and K. V. SUBBA RAO, M.A., LL.B., *Advocates,* to appear and conduct the above case on my behalf to judgment.

2. I further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in my behalf and to receive from the Court all documents, refunds and all sums of money that I may be entitled to get and grant receipts therefor.

3. I also undertake to confirm and ratify all the acts done by the said Advocates or by any other Advocate on their behalf in so doing.

X ಸಹಿಯೆ ಮಾಡಿದರು

BANGALORE,
4/11/ 1933.

Accepted.

K V Subbarao
Advocates.

Personally known to me and signed in my presence.

KVS

2885,30 The Bangalore Press

S Files

Office of the MUZRAI COMMISSIONER IN

Bangalore, ... 108

946.

2 FEB 1934

22

FINANCIAL SECRETARY

To

The Muzrai Commissioner in Mysore,
Bangalore.

G. Rudrappa

OF HIS HIGHNESS THE MAHARAJA OF YSORE

General and Revenue Secretariat

No. 1553 / Mug 253-33-4 Dated, Bangalore, 22nd May 1934

From The Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

Mr. K.V.Subba Rao, M.A., LL.B.,

Advocate, Bangalore City.

~~Sir~~,

Dear Sir, Subject :- Prayer among other matters for a modification of the order passed by the Muzrai Commissioner in Mis.Appl.No.60/33-39 on the file of his Court and issue of orders directing that Inam lands of Sri Channabasavesvaraswami temple at Vadigenahalli, Devanahalli Taluk be leased to the petitioner for Rs.125/- from 1931-32.

With reference to petition dated 4th November 1933 filed by you on behalf of Basappa, son of Karibasanna of Vadigenahalli, Devanahalli Taluk, Bangalore District on the above subject, I am directed to inform you that Government do not consider that any concession is called for.

Yours faithfully,

Sd. S.Shamanna.

Financial Secretary to Government.

Memo No. 1554 Dated, Bangalore, the 22nd May 1934.

Copy to Mr.Basappa, son of Karibasanna, Vadigenahalli, Devanahalli Taluk for information.

B. O.
Sd. S.Shamanna
Financial Secretary to Govt.

Memo No. 1555 Dated, Bangalore, the 22nd May 1934.

Copy to Muzrai Commissioner returning records received with his letter No.731/33-34 dated 22nd February 1934. A copy of the petition dated 4th November 1933 referred to above is enclosed for information.

By order,

For Financial Secretary to Govt.

Appendix F G—11

SUBJECT .....

.....

.....

Section Rev

File No. 253-33

Serial No. 4

Diary No. of letter replied to .....

No. 1553

To

Mr K. V. Subba Rao M.A Ll.

Advocate —

Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue 28/5/34

Signed by Mr K. N. Krishnaswamy

Iyer

Subject: — Re among other matters for a modification of the order passed by the H.C. in Misc. Appl No 60/28-29 in the file of this Court on 2-4-1930 ordering that Inam lands Sri Channabasaveswara Swami Temple at Ucchangidurga Devanhalli Tk issued by the Petitioner for Rs 25/- from 1931-32.

Dear Sir,

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31.

Vadi Gunahalli Devanahalli Tk

Kolar Dt in the above subject,

I am directed to inform you
do not that any Candidate calls
in person consider it is not
possible to grant any C.L
as proposed for.
the period.

Faithfully.

21/5/34

1554 of 28-5-34 from Karibasanna

Vadi Gunahalli Devanahalli Tk for information

A-O

21/5/34

1555 of 28-5-34. 3 files
Copy to the C. returning records
received with this letter No. 7 31/33-34
dt 22/1/34. Copy of the letter dt 4.11.33 from above
mentioned Tk is attached
A-C enclosed

21/5/34

ls
P.5/4